

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14932, of the Jubilee-Folsom Partnership, pursuant to 11 DCMR 3107.2 and 3108.1, for a variance from the off-street parking requirements (Subsection 2101.1), and a special exception under Section 205 to establish a child development center for 54 children, ages infant to six years, and a staff of 12 in the basement of an apartment building in an R-5-B District at premises 1740 Euclid Street, N.W., (Square 2563, Lot 873).

HEARING DATE: February 8, 1989
DECISION DATE: March 1, 1989

DISPOSITION: The Board **GRANTED** the application by a vote of 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant; Lloyd D. Smith to grant by proxy).

FINAL DATE OF ORDER: October 20, 1989

RECONSIDERATION ORDER

The Board granted the application by its order dated October 20, 1989 subject to eleven conditions. By letter dated September 17, 1992, counsel for the applicant requested the Board to waive its six month filing limitation to accept a motion for modification of Condition No. 1 of the Board's order. The Board granted the request for waiver on October 7, 1992.

Condition No. 1 of the order provides: "Approval shall be limited to a period of **THREE YEARS** from the date of this Order." Accordingly, the requisite BZA approval is to expire October 20, 1992. Counsel requests that Condition No. 1 of the order be revised as follows: "Approval shall be limited to a period of **THREE YEARS** from the date of the issuance of the Certificate of Occupancy."

In support of its motion, counsel stated that the applicant did not commence operation of the approved child development center until July 9, 1991. Counsel noted that the construction period spanned more than two years and the certificate of occupancy was not issued until June 29, 1992. Counsel argued that because the Board's approval of the project would expire on October 20, 1992, after less than four months of operation, the Board would not have an adequate opportunity to fully evaluate the impact of the center on the neighborhood. Counsel argued that the Board's evaluation of the impact and effect of the use on the surrounding neighborhood would be most effective if the use has an ample opportunity to establish itself as fully operational for a reasonable period of time.

By letter dated October 6, 1992, the Single Member District (ANC 1C07) indicated that it supported the requested modification of Condition No. 1. There was no opposition to the requested modification.

Upon consideration of the motion, responses thereto, the record in the case and its final order, the Board concludes that an extension of the time for which the child development center is approved is not unreasonable in order to allow the applicant an opportunity to operate the facility for an adequate period to demonstrate compliance with the conditions of the Board's order prior to reapplying to the Board for renewal. Accordingly, it is hereby **ORDERED** that the motion is **APPROVED** and Condition No. 1 shall be modified to read as follows:

1. Approval shall be for a period of **THREE (3) YEARS** from the date of the issuance of the Certificate of Occupancy.

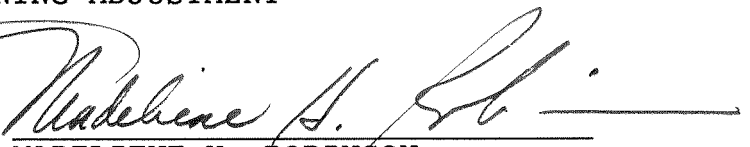
In all other respects, the order of the Board dated October 20, 1989 shall remain in full force and effect.

DECISION DATE: October 7, 1992

VOTE: 3-0 (Carrie L. Thornhill and Paula L. Jewell to grant; Lloyd D. Smith to grant by proxy; Angel F. Clarens and Sheri M. Pruitt not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

OCT 27 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ordm14932/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 14932

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 27 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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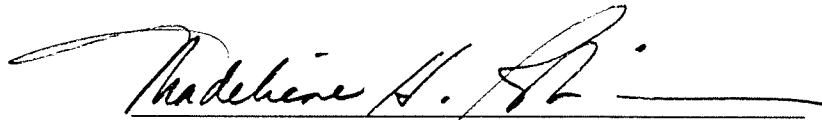
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MADELIENE H. ROBINSON
Acting Director

DATE: OCT 27 1992